
A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 201H-38, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The corporation may develop on behalf of the State or
4 with an eligible developer, or may assist under a government
5 assistance program in the development of, housing projects that
6 shall be exempt from all statutes, ordinances, charter
7 provisions, and rules of any government agency relating to
8 planning, zoning, construction standards for subdivisions,
9 development and improvement of land, and the construction of
10 dwelling units thereon; provided that:

11 (1) The corporation finds the housing project is
12 consistent with the purpose and intent of this
13 chapter, [~~and~~] meets minimum requirements of health
14 and safety[-], and is located in a medium- or high-
15 density zoning district;

16 (2) The development of the proposed housing project does
17 not contravene any safety standards, tariffs, or rates



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1 and fees approved by the public utilities commission
2 for public utilities or of the various boards of water
3 supply authorized under chapter 54;

4 (3) The legislative body of the county in which the
5 housing project is to be situated shall have approved
6 the project with or without modifications:

7 (A) The legislative body shall approve, approve with
8 modification, or disapprove the project by
9 resolution within forty-five days after the
10 corporation has submitted the preliminary plans
11 and specifications for the project to the
12 legislative body. If on the forty-sixth day a
13 project is not disapproved, it shall be deemed
14 approved by the legislative body;

15 (B) No action shall be prosecuted or maintained
16 against any county, its officials, or employees
17 on account of actions taken by them in reviewing,
18 approving, modifying, or disapproving the plans
19 and specifications; and

20 (C) The final plans and specifications for the
21 project shall be deemed approved by the



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1 legislative body if the final plans and
2 specifications do not substantially deviate from
3 the preliminary plans and specifications. The
4 final plans and specifications for the project
5 shall constitute the zoning, building,
6 construction, and subdivision standards for that
7 project. For purposes of sections 501-85 and
8 502-17, the executive director of the corporation
9 or the responsible county official may certify
10 maps and plans of lands connected with the
11 project as having complied with applicable laws
12 and ordinances relating to consolidation and
13 subdivision of lands, and the maps and plans
14 shall be accepted for registration or recordation
15 by the land court and registrar; and

- 16 (4) The land use commission shall approve, approve with
17 modification, or disapprove a boundary change within
18 forty-five days after the corporation has submitted a
19 petition to the commission as provided in section 205-
20 4. If, on the forty-sixth day, the petition is not



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1 disapproved, it shall be deemed approved by the
2 commission."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: _____



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Report Title:

Affordable Housing; Affordable Housing Developments; Zoning Restrictions

Description:

Restricts zoning allowances for affordable housing developments to medium- to high-density zoning districts.

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